United States Court of Appeals

for the Second Circuit

APPENDIX

77-1233

UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

EDWARD MOORE and WILLIAM LAING,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

APPENDIX OF DEFENDANT-APPELLANT, WILLIAM LAING

MARTIN E. FIEL
Attorney for Defendant-Appellant, William Laing
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Brooklyn, N. Y. 11201

PAGINATION AS IN ORIGINAL COPY

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CRIMINAL Ddocket - U.S. District Court

JUDGE/MAGISTRATE Assigned: 0718

EMEANOR Mis / FELONY Fel

207 (District) | 1 (Office) | Disp./Sentence

U.S. vs. LAING, WILLIAM (LAST, FIRST, MIDDLE) ☐ JUVENILE

Case Filed: Mo. 4 | Day 6 | Yr 76

No. of Defs * 4

STANTINO, J. | 245 Docket No. | 1A Def. 2

U.S. MAG. CASE NO. ▶

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18-371,495, 657, 1708 & 2	Did conspire with others to utter and publish as true forged U.S. Treasury Checks, payable to others	20

CLOSED

SUPERSEDING COUNTS

BAIL • RELEASE

☐ Denied ☐ AMT Set ☐ Fugitive ☐ Pers. Recog. ☐ PSA

$ 000 | Date | conditions: ☐ 10% Deposit ☐ Surety Bond ☐ Collateral

☐ Bail Not Made ☐ Status Changed (See Docket) ☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or: U.S. Custody Began; Summons Served; First Appearance

INDICTMENT: High Risk Date; Information ☐ 4-6-76; Indict. Waived ☐; In Charging District; Superseding ☐ Indict/Info ☐

ARRAIGNMENT: 4/28/76; 1st Plea: 1; Final Plea

Trial Set For: 6-21-76 ☐ NG ☐ G ☐ NOL; ☐ G. Plea W/Drawn; ☐ NG ☐ G ☐ NOL

TRIAL: Voir Dire ☐; Trial Began ☐ J ☐ N ☐ J; Trial Ended

SENTENCE: Disposition of Charges 1/27/77; ☐ Convicted; ☐ Acquitted; ☐ Dismissed: ☐ WOP: ☐ WP; ☐ On Govrnm'ts Motion; 4/29/77; ☐ On All Charges; ☐ On Lesser * Offense(s)

MAGISTRATE

	DATE	INITIAL/NO.
Search Warrant: Issued / Return		
Summons: Issued / Served		
Arrest Warrant Issued		
COMPLAINT ▶		
OFFENSE (In Complaint)		

INITIAL APPEARANCE DATE ▶ | INITIAL/NO.

PRELIMINARY EXAMINATION OR REMOVAL HEARING: Date Scheduled ▶ / Date Held ▶

☐ WAIVED ☐ NOT WAIVED

☐ INTERVENING INDICTMENT

Tape Number

OUTCOME: ☐ DISMISSED; ☐ HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT; ☐ HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

U.S. Attorney or Asst.: Richard Brewster

ATTORNEYS Defense ☐ CJA, ☐ Ret ☐ Waived, ☐ Self, ☐ None / Other ☒ PD ☐ CD

Barry Krinsky, Esq.
66 Court Street, 30th Fl.
Brooklyn, N.Y.

* Show last names and suffix numbers of other defendants on same indictment/information:
MOORE 1; COLLINS 3 and John Doe aka "~~Melvinex~~ "Melvin"

DATE	(DOCUMENT NO.) PROCEEDINGS	EXCLUDABLE DELAY (a)	(b)	(c)	(d)
4-6-76	Before BRAMWELL, J - Indictment filed.				
4-28-76	Before BRAMWELL, J - case called - deft present - counsel not present - court enters plea of not guilty on behalf of the deft - deft contd O.R. - adjd to June 7, 1976 for motions; adjd to June 21, 1976 for trial				
6-11-76	Before COSTANTINO J - case called - deft present without atty - all motions by June 19, 1976 and case set for trial on 7-26-76.				
6-11-76	Affidavit of Barry Krinsky ~~xxxx~~ filed.				
7/26/76	Before COSTANTINO, J. - Case called. Deft present without Counsel. Case adjd to 10/5/76 for trial.				
~~7/26/76~~	~~Before COSTANTINO, J. Adjd to 7/30/76 for report.~~				
7/30/76	Before COSTANTINO, J. - Case called. Deft present without Counsel. Court to appoint atty. Case adjd to 10/5/76 for trial.				
8-27-76	Notice of readiness for trial filed				
10-5-76	Before COSTANTINO J.-Case called-Deft and counsel present-Case adjd to 11-15-76 for all purposes.				

FORM AO-256

OPPOSITE THE APPLICABLE DOCKET ENTRIES SHOW, IN SECTION V, ANY OCCURENCE OF EXCLUDABLE DELAY PER 18 USC § 3161(h)

PAGE TWO

DATE	(DOCUMENT NO.) IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY Interval Section (a)	Start Date End Date (b)	Ltr Code (c)	Total Days (d)
11-15-76	Before Costantino, J.-- Case Called. Deft. & Counsel present. Adjd. to 12-17-76 for Report and For Trial on 12-20-76.				2A
12-17-76	Before COSTANTINO, J. - Case called. Deft & counsel present. Case adj'd to 1-3-77.		12-17-76 T 1/3/77		
1-3-77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial ordered and begun. Jurors were selected and sworn. Trial continued to 1-4-77.				
1-4-77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial adjd. to 1-5-77.				
1-5-77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial resumed. Trial continued to 1-6-77.				
1-6-77	Before Costantino, J.- Case Called. Deft. & Counsel present.; Trial resumed. Govt. opens. Deft. opens. Trial continued to 1-10-77.				
1-10-77	Before Costantino J - case called - trial resumed - trial contd to 1-11-77				
1-11-77	Before Costantino J - case called - trial resumed - trial contd to Jan. 12, 1~~976~~ 1977				
1-12-77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial resumed. Trial continued to 1-13-77.				
1-13-77	Before Costantino J - case called - deft & atty present - trial resumed - trial contd to 1-17-77				
1-17-77	Voucher for expert services filed forwarded to Admin. Office for payment				
1-17-77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial resumed. Govt. rests. Deft. moves to dismiss. Motion denied. Trial continued to 1-18-77.				
1-18-77	Before COSTANTINO J - case called - deft & atty present - motion to dismiss counts 5-11-15; motion granted - trial contd to 1-19-77				
1-19-77	Before COSTANTINO J - case called - deft & atty present - trial resumed - trial contd to 1-20-77				
1.20.77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial resumed. Trial continued to 1-21-77.				
1.24.77	Before Costantino, J.- Case Called. Deft. present with Counel. Trial resumed. Trial continued to 1.25.77,				
1-25-77	Before Costantino J - case called - deft & counsel present - trial contd to 1-26-77.				
1-25-77	By Costantino J - 2 orders of sustenance filed				
1-26-77	By Costantino J - Order of sustenance filed				
1-27-77	Before Costantino J - case called - deft & atty present - trial resumed - jury returns at 4:10 PM and renders a verdict of guilty as to counts 1 to 17 sentence adjd without date - jury polled and discharged.				
1-28-77	Stenographers transcript filed dated1-27-77				

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

LAING, WILLIAM

3A

76 Yr. | 245 Docket No. | 2 Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
1.26.77	Before Costantino, J.- Case Called. Deft. & Counsel present. Trial resumed. Trial cotninued to 1.27.77.				
1.31 77	By Costantino, J.- Order of Transporation filed				
1.31.77	By Costantino, J.- Order of Sustenance filed.				
2.1.77	Stenographer's Transcripts dated January 3, 5, 13, 17, 11, 12, 24, 18, 26, 25, 20, 10, 19, and 6, 1977 filed.				
4-4-77	Before Costantino J - case called - deft & atty Barry Krinsky present - adjd to 4-14-77 on consent				
4-14-77	Before Costantino J - case called - sentence adjd to 4-21-77				
4/21/77	Before Costantino, J--case called sentence adjd to 4/28/77.JLJ.				
4/29/77	Before Costantino, J-case called-deft & atty present deft sentenced for a period of 2 years on count 2 & all other counts to run with count 2. Execution of sentence stayed pending appeal.JLJ				
4/29/77	Judgment & commitment filed. Certified copies to Marshall/JLJ				
5/9/77	Notice of appeal filed.				
5/9/77	Duplicate copies of notice of appeal and certified copies of docket entries mailed to C of A.JLJ				
5-20-77	Scheduling Order filed received from the court of appeals that the record be filed on or before 6-2-77				
6/29/77	Voucher for expert services filed.jlj				

TRP:EWB:sd
F. #743195

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. N.Y.
APR 6 1976
TIME A.M.
P.M.

4A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- X

UNITED STATES OF AMERICA

- against -

EDWARD MOORE, also known as "Reverend Moore",
WILLIAM LAING,
ROBERT LEE COLLINS, also known as "Sha Sha", and
JOHN DOE, also known as "Melvin",

Defendants.

- X

INDICTMENT

Cr. No.
(T. 18 U.S.C., §371, §495, §657, §1708 and §2)

76 CR 245

THE GRAND JURY CHARGES:

COUNT ONE

On or about and between January 31, 1974 and April 25, 1974, both dates being approximate and inclusive, within the Eastern District of New York, EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING, ROBERT LEE COLLINS, also known as "Sha Sha", JOHN DOE, also known as "Melvin" (referred to herein as the defendants) together with Jacqueline Murphy and others known and unknown to the Grand Jury (referred to herein as co-conspirators but not as defendants) did knowingly and unlawfully combine, conspire, confederate and agree to commit offenses against the United States in violation of Title 18, United States Code, Sections 495 and 1708, by conspiring (a) to utter and publish as true United States Treasury checks upon which the names of the payees had been forged, knowing the payees' names to have been forged, and (b) to possess tax refund, social security, welfare and other checks, which were the contents of letters stolen from the United States mail, knowing the same to have been stolen.

1. It was part of said conspiracy that the defendant EDWARD MOORE would obtain forged checks (including United States Treasury checks) directly or indirectly from the defendant ROBERT LEE COLLINS, the defendant JOHN DOE, also known as "Melvin", Jacqueline Murphy (named herein as a co-conspirator but not as a defendant) and others known and unknown to the Grand Jury.

2. It was further a part of said conspiracy that the defendant EDWARD MOORE would deposit the aforesaid forged checks (including United States Treasury checks) into one or more accounts at the Brownsville Community Federal Credit Union at 1619 Pitkin Avenue, Brooklyn, New York, including said defendant EDWARD MOORE's personal account (Account Number 1822) at said Credit Union and the account at said Credit Union of the Universal Science Church of God (Account Number 3050) of which church said defendant EDWARD MOORE was pastor and the defendant WILLIAM LAING was an incorporator, and over which account both of said defendants held signature power.

3. It was further a part of said conspiracy that the defendant WILLIAM LAING, acting as Manager and chief executive officer of said Brownsville Community Federal Credit Union, knowingly and intentionally aided and abetted the aforesaid scheme by causing large numbers of checks to be accepted for deposit from the defendant EDWARD MOORE without any endorsement by the defendant EDWARD MOORE and by approving repeated and systematic withdrawals of substantial sums of money from said Credit Union by said defendant EDWARD MOORE.

4. It was further a part of said conspiracy that the defendants would conceal the existence of the conspiracy and would take steps designed to prevent disclosure of their activities.

In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed within the Eastern District of New York:

OVERT ACTS

1. On or about the 19th day of April 1974, the defendant ROBERT LEE COLLINS did knowingly and intentionally forge the name of the payee on United States Treasury check No. 79,913,239 dated April 19, 1974 in the sum of Five Hundred Forty Dollars ($540.00), payable to Sarah L. Lane.

2. On or about the 19th day of April 1974, the defendant ROBERT LEE COLLINS did deliver the check mentioned in the previous paragraph to the defendant EDWARD MOORE, also known as "Reverend Moore", in exchange for a payment of approximately one half the face amount of said check.

3. On or about April 19, 1974, the defendant EDWARD MOORE deposited the aforesaid check to the account of the Universal Science Church of God (Account Number 3050) at the Brownsville Community Federal Credit Union.

4. Each of the acts referred to in Counts 2, 4 through 8 and 10 through 13 of this indictment is hereby incorporated by reference as an overt act in furtherance of the aforesaid conspiracy. (Title 18, United States Code, §371).

COUNT TWO

On or about the 1st day of March 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", and WILLIAM LAING with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 64,611,625, drawn under symbol 2204, dated March 1, 1974 in the sum of Sixty Five Dollars and Forty Cents ($65.40) payable to Margaret R. Steiger, upon which the name of the payee had been forged, knowing the payee's named to be forged. (Title 18, United States Code, §495 and §2).

COUNT THREE

On or about the 19th day of April 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 79,913,239, drawn under symbol 3047, dated April 19, 1974 in the sum of Five Hundred Forty Dollars ($540.00) payable to Sarah L. Lane, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT FOUR

On or about the 15th day of March 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 28,734,621, drawn under symbol 3047, dated March 15, 1974 in the sum of Five Hundred Thirty Five Dollars ($535.00) payable to Lucilda Boothe, upon which the name of the payee had been forged, knowing the payee's named to be forged. (Title 18, United States Code, §495 and §2).

COUNT FIVE

On or about the 19th day of April 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 79,950,867, drawn under symbol 3047, dated April 19, 1974 in the sum of Three Hundred Forty Five Dollars ($345.00) payable to Booker and Barbara King, upon which the names of the payees had been forged, knowing the payees' names to be forged. (Title 18, United States Code, §495 and §2).

COUNT SIX

On or about the 2nd day of March 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", with intent to defraud the United States, did utter and publish as true United States Treasury Check No. 48,119,120, drawn under symbol 3495, dated March 2, 1974 in the sum of One Hundred Forty Eight Dollars and Ninety Cents ($148.90) payable to Willie Mickle, upon which the name of the payee had been forged, knowing the payee's name to be forged. (Title 18, United States Code, §495 and §2).

COUNT SEVEN

On or about the 1st day of March 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", and WILLIAM LAING did unlawfully have in their possession United States Treasury Check No. 64,611,625, drawn under symbol 2204, dated March 1, 1974 in the sum of Sixty Five Dollars and Forty Cents ($65.40) payable to Margaret R. Steiger, which was the contents of a letter stolen from the United States mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT EIGHT

On or about the 19th day of April 1974, within the Eastern District of New York, the defendants EDWARD MOORE, "also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", did unlawfully have in their possession United States Treasury Check No. 79,913,239, drawn under symbol 3047, dated April 19, 1974 in the sum of Five Hundred Forty Dollars ($540.00) payable to Sarah L. Lane, which was the contents of a letter stolen from the United States mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT NINE

On or about the 15th day of March 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha" did unlawfully have in their possession United States Treasury Check No. 28,734,621, drawn under symbol 3047, dated March 15, 1974 in the sum of Five Hundred Thirty Five Dollars ($535.00) payable to Lucilda Boothe, which was the contents of a letter stolen from the United States mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT TEN

On or about the 19th day of April 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", did unlawfully have in their possession United States Treasury Check No. 79,950,867, drawn under symbol 3047, dated April 19, 1974 in the sum of Three Hundred Forty Five Dollars ($345.00) payable to Booker and Barbara King, which was the contents of a letter stolen from the United States mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT ELEVEN

On or about the 2nd day of March 1974, within the Eastern District of New York, the defendants EDWARD MOORE, also known as "Reverend Moore", WILLIAM LAING and ROBERT LEE COLLINS, also known as "Sha Sha", did unlawfully have in their possession United States Treasury Check No. 48,119,120, drawn under symbol 3495, dated March 2, 1974 in the sum of One Hundred Forty Eight Dollars and Ninety Cents ($148.90) payable to Willie Mickle, which was the contents of a letter stolen from the United States mail, the defendants knowing the same to have been stolen. (Title 18, United States Code, §1708 and §2).

COUNT TWELVE

On or about the 26th day of March 1974, within the Eastern District of New York, the defendant WILLIAM LAING, being an officer of an institution, namely the Brownsville Community Federal Credit Union, the accounts of which were then and there insured by the Administrator of the National Credit Union Administration, did abstract, purloin and wilfully misapply monies in the amount of Five Thousand Dollars ($5,000.00) entrusted to the care of said Credit Union by withdrawing and converting to his own use the sum of Five Thousand Dollars ($5,000.00) from the personal account of Edward Moore (Account Number 1822) at said Credit Union. (Title 18, United States Code, §657).

COUNT THIRTEEN

On or about the 3rd day of May 1974, within the Eastern District of New York, the defendant WILLIAM LAING, being an officer of an institution, namely the Brownsville Community Federal Credit Union, the accounts of which were then and there insured by the Administrator of the National Credit Union Administration, did abstract, purloin and wilfully misapply monies in the amount of Three Thousand Dollars ($3,000.00) entrusted to the care of said Credit Union by causing the sum of Three Thousand Dollars ($3,000.00)

to be withdrawn from account 3050 at said Credit Union, being an account maintained by Edward Moore and over which the defendant WILLIAM LAING had signature power, the defendant WILLIAM LAING having been informed prior to the time of said withdrawal that at least nineteen checks previously deposited by said Edward Moore at said Credit Union had forged endorsements of the respective payees thereon. (Title 18, United States Code, §657).

COUNT FOURTEEN

On or about the 10th day of May 1974, within the Eastern District of New York, the defendant WILLIAM LAING, being an officer of an institution, namely the Brownsville Community Federal Credit Union, the accounts of which were then and there insured by the Administrator of the National Credit Union Administration, did abstract, purloin and wilfully misapply monies in the amount of Two Thousand Dollars ($2,000.00) entrusted to the care of said Credit Union by causing the sum of Two Thousand Dollars ($2,000.00) to be withdrawn from account 3050 at said Credit Union, being an account maintained by one Edward Moore and over which the defendant WILLIAM LAING had signature power, the defendant WILLIAM LAING having been informed prior to the time of said withdrawal that at least nineteen checks previously deposited by said Edward Moore at said Credit Union had forged endorsements of the payees thereon. (Title 18, United States Code, §657).

COUNT FIFTEEN

On or about the 2nd day of March 1976, within the Eastern District of New York, the defendant WILLIAM LAING, having taken an oath that he would testify truly before a duly empanelled Grand Jury of the United States of America, did knowingly and wilfully and contrary to said oath, state material matters which he knew to be false, that is to say:

1. At the time and place aforesaid, the Grand Jury was conducting an investigation to determine whether there had been committed in the Eastern District of New York violations of the laws of the United States, to wit: Title 18, United States Code, Section 495 (forged instruments), 18 U.S.C., §371 (conspiracy) and 18 U.S.C. §1708 (possession of stolen mail) and other laws of the United States.

2. It was material to the aforesaid investigation to determine whether the defendant WILLIAM LAING participated in a conspiracy with one Edward Moore, also known as "Reverend Moore", to deposit forged checks in one or more accounts at the Brownsville Community Federal Credit Union, among other things by permitting said Edward Moore, unlike other members of said Credit Union, to deposit large numbers of third party checks in said Credit Union without endorsement by said Edward Moore.

3. On the 2nd day of March 1976, within the Eastern District of New York, the defendant WILLIAM LAING appeared as a witness before the aforesaid Grand Jury and then and there being under oath, testified falsely before the Grand Jury with respect to the aforesaid matters as follows:

Q. Is it fair to say, during the time you were there you permitted every member of the credit union who was depositing a third-party check to make that deposit without an endorsement, so long as his account number was on the check?

A. So long as he permitted his account number to be written on the check...

4. The aforesaid testimony of the defendant WILLIAM LAING, as he then and there knew and believed, was not true in that the general practice of the said Credit Union was to require the depositing member's endorsement upon the deposit of third party checks. (Title 18, United States Code, Section 1023).

COUNT SIXTEEN

On or about the 2nd day of March, 1976, within the Eastern District of New York, the defendant WILLIAM LAING having taken an oath that he would testify truly before a duly empanelled Grand Jury of the United States of America, did knowingly and wilfully and contrary to said oath, state material matters which he knew to be false, that is to say:

1. At the time and place aforesaid, the Grand Jury was conducting an investigation to determine whether there had been committed in the Eastern District of New York violations of the laws of the United States, to wit: Title 18, United States Code, Section 495 (forged instruments) 18 U.S.C., §371 (conspiracy) and 18 U.S.C., §1708 (possession of stolen mail and other laws of the United States.

2. It was material to the aforesaid investigation to determine whether the defendant WILLIAM LAING, as manager of the Brownsville Community Federal Credit Union, prevented withdrawals from the accounts of one Edward Moore, also known as "Reverend Moore", from the moment that the defendant WILLIAM LAING learned that said Edward Moore had deposited bad checks in one or more accounts at said Credit Union.

3. On the 2nd day of March 1976, within the Eastern District of New York, the defendant WILLIAM LAING appeared as a witness before the aforesaid Grand Jury and then and there being under oath, testified falsely before the Grand Jury with respect to the aforesaid matters as follows:

Q. Mr. Laing, when did you freeze Mr. Moore's accounts?

A. I don't know.

Q. Did you not do anything when the postal inspector came in and told you the checks were going to bounce?

A. No.

Q. You didn't do anything until the checks actually came back?

A. I'm not quite sure. I know immediately after this I did not permit any transactions to go into any of his accounts, from the moment I was aware that there were bad checks about to return.

Q. From the day that the postal inspector came in?

A. Yes. Prior to that he had been into the union and had a loan with the credit union and he came in and transferred out that money. You know, to pay I reversed those transactions.

Q. You did not permit him to deposit or withdraw money from the day that the postal inspector came in?

A. From the moment I was aware that this was something that had to do with something wrong.

4. The aforesaid testimony of the defendant WILLIAM LAING, as he then and there knew and believed, was not true in that the defendant WILLIAM LAING had charged the personal account (Account Number 1822) of said Edward Moore for substantial sums of bad checks as early as March 14, 1974, had discussed the problem of forged checks in said account with Postal Inspector David Anthony on April 25, 1974 and yet personally authorized repeated withdrawals of sums in excess of $1,000 from accounts of said Edward Moore at said Credit Union as late as May 10, 1974. (Title 18, United States Code, Section 1623).

COUNT SEVENTEEN

On or about the 2nd day of March 1976, within the Eastern District of New York, the defendant WILLIAM LAING, having taken an oath that he would testify truly before a duly empanelled Grand Jury of the United States of America, did knowingly and wilfully and contrary to said oath, state material matters which he knew to be false, that is to say:

1. At the time and place aforesaid, the Grand Jury was conducting an investigation to determine whether there had been committed in the Eastern District of New York violations of the laws of the United States, to wit: Title 18, United States Code, Section 495 (forged instruments) 18 U.S.C., §371 (conspiracy) and 18 U.S.C., §1708 (possession of stolen mail) and other laws of the United States.

2. It was material to the aforesaid investigation to determine whether the defendant WILLIAM LAING ever personally received any monies from one Edward Moore, also known as "Reverend Moore", or any account of said Edward Moore.

3. On the 2nd day of March 1976, within the Eastern District of New York, the defendant WILLIAM LAING appeared as a witness before the aforesaid Grand Jury and then and there being under oath, testified falsely before the Grand Jury with respect to the aforesaid matters as follows:

Q. Mr. Laing, when you were at the credit union you forged Mr. Moore's name on the back of a $5,000 check, did you not?

A. Yes. I wouldn't consider it as forged. I think I --

Q. Why did you sign his name on the back of a $5,000 check?

A. I think I was out of the office and the clerk who prepared the check -- when I was checking off the things in the evening, discovered that Mr. Moore had made a deposit and he had made a withdrawal and he had -- the check was cashed.

Q. This was a check payable to Mr. Moore?

A. And it was cashed. See seemed to have allowed him to take the money without having him endorse the check. When I realized that this was what took place, then I okayed the check. I knew he had already taken the money.

Q. Did you receive any portion of the $5,000 represented by that check?

A. No, Sir.

4. The aforesaid testimony of the defendant WILLIAM LAING, as he then and there knew and believed, was not true in that the defendant WILLIAM LAING had personally in fact authorized and signed a receipt for said $5,000 check upon the check stub attached thereto at the time of issuance. (Title 18, United States Code, Section 1623).

A TRUE BILL.

Joseph M. O'Mahoney
FOREMAN

DAVID G. TRAGER
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

17A

THE CLERK: How do you find the defendant Laing on count fifteen?

MADAM FORELADY: Guilty.

THE CLERK: How do you find the defendant Laing on count sixteen?

MADAM FORELADY: Guilty.

THE CLERK: How do you find the defendant Laing on count seventeen?

MADAM FORELADY: Guilty.

THE CLERK: Ladies and gentlemen, the Court has received your verdict, so say you all.

THE COURT: You have found both defendants guilty on all counts as they have been charged in the indictment; is that right?

MADAM FORELADY: Yes.

THE COURT: Do you wish the jury polled?

MR. PATTON: No, your Honor.

THE COURT: Mr. Krinsky?

MR. KRINSKY: Yes.

THE COURT: All right, poll the jury.

THE CLERK: Juror number 1, is that your verdict? Is that your verdict?

JUROR NO. 1: Yes.

THE CLERK: Juror number 2, is that your verdict?

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JUROR NO. 2: Yes.

THE CLERK: Juror number 3, is that your verdict?

JUROR NO. 3: It is, yes. It is, but I still have a little reservation.

MR. PATTON: Wait.

THE COURT: No.

You see, the Court advise you that you must bring in a verdict and your verdict must be brought within your own good conscience and it must be unanimous. If that is not your verdict, then you must announce that it is not your verdict. And then the Court does not have a verdict and must send you back to deliberate.

MR. PATTON: May we have a conference with this one juror?

THE COURT: No. No. I will permit this.

MR. PATTON: Obviously, there's been a reservation stated here as the Court --

THE COURT: Well, you heard the counts -- The numbered counts called in reference to both the defendant Moore and the defendant Laing. With those announcements by the Forelady of the jury as to the guilt of each and every count, was that your verdict? Was that your verdict?

JUROR NO. 3: Yes.

THE COURT: Is it your verdict now?

JUROR NO. 3: No.

THE COURT: You mean after listening to it in Court you have changed your mind?

JUROR NO. 3: That's correct.

THE COURT: Was it at the time that you made your verdict in the jury room -- Did you at that time intend to make it unanimous or were you compromising your position?

JUROR NO. 3: I had a -- At that time intended to make it my verdict. But after we had voted on it and thought about it a little more, I have changed my mind.

THE COURT: Well then, you feel that you need more time to come to a conclusion?

JUROR NO. 3: On at least two of the counts.

THE COURT: Will you announce to the Court which of the two counts?

What you are saying, the other counts, that would be your verdict?

JUROR NO. 3: Yes, sir.

THE COURT: Will you now announce to the Court which of the two counts you say that you still have reservations and is not your verdict at

this point.

JUROR NO. 3: First of all, as to the first count, and I have to look at the indictment to reach -- To see which is the second one.

THE COURT: First and second count?

JUROR NO. 3: The first count.

THE COURT: All right. You may look at the indictment. First count.

(Whereupon, the indictment was handed to Juror No. 3.)

JUROR NO. 3: Thank you.

MR. KRINSKY: Could we have a sidebar?

THE COURT: Just one moment until I finish with him. And then I will give you a sidebar conference. I am doing nothing at this point.

JUROR NO. 3: Count eight.

THE COURT: What you are saying now is all of the other counts which the verdict was announced, that that is your verdict?

JUROR NO. 3: Yes.

THE COURT: And that you unanimously agreed with your fellow jurors that that is your verdict?

JUROR NO. 3: Yes.

THE COURT: Except as to counts one and eight? You say that is not your verdict at this

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time?

JUROR NO. 3: That's correct.

THE COURT: All right. Now I will have a sidebar for a moment.

(The following took place at the sidebar.)

MR. BREWSTER: Do we poll the rest of the jury?

THE COURT: Yes. I don't want to be accused of not letting anybody talk to me before I do anything. I am tired of that.

MR. BREWSTER: I understand.

THE COURT: And put that on the record. I am tired of that.

MR. KRINSKY: I ask for a sidebar conference because I frankly think that to ask this juror in front of the other jurors an further questions --

THE COURT: I'm not going to ask any further questions. I am finished. I am going to send him back to deliberate. I have been through this a thousand times. This doesn't bother me. There is nothing novel about this verdict.

MR. BREWSTER: But we can poll the jury as to the remaining counts.

THE COURT: Yes, the remaining counts. I understand.

Q As you sit here today, Mr. Laing, is there any doubt in your mind that at the very time that Mr. Moore was bringing you in to partnership with him on a Health Food Store, the church, that he was operating a check fencing scheme of great magnitude?

A No response.

THE COURT: What was that?

THE WITNESS: I said no.

MR. BREWSTER: "No."

Q He invited you into partnership with him on two different enterprises, right in the middle of this thing, didn't he?

A He's been inviting me to do something for over a year.

Q He in fact succeeded in getting you into it right in the middle of his check fencing operation.

MR. PATTON: Objection, your Honor.

THE COURT: Yes, I'll sustain it.

Q Mr. Laing, assuming that what was going on during this period of time was a massive check fencing operation, you could have blown the whistle on this whole thing, couldn't you?

MR. KRINSKY: I don't understand the question, I object.

A What is the question?

Q Well, Mr. Laing --

THE COURT: Rephrase it.

Q You were his partner in the Health Food Store, right?

A No response.

Q Your wife was his treasurer. Your name was on the lease. You had a joint account with him, and on the church you were one of the incorporators. You had a joint account with him. You went over there to lecture. He got you right in there with him, didn't he?

A No response.

Q He got you involved in those two enterprises, didn't he?

A He didn't get me involved in anything.

Q You became his partner in the Health Food Store, right?

A That's correct.

Q You became a holder of a joint account with him on the Health Food Store, right?

A That's right.

Q You were an incorporator of the church. You lectured at the church and you became the holder of a joint account with him at the church, is that right?

(Whereupon, the jury entered the courtroom.)

THE COURT: All right.

Q Mr. Laing, did you or did you not tell the grand jury that you were free to make withdrawals from the account 3050?

A Yes.

Q Was that true or false?

A It was true.

Q Will you speak up, pleas?

A It was true.

Q You told this jury a few moments ago, did you not, sir, that you were not free to make withdrawals?

A I didn't know which account you are referring to.

Q I see. You mean you were not free to make withdrawals from account 3008?

A No.

Q You were not free to make withdrawals from account 3008?

A No.

Q Now, Mr. Laing, let me go back to the question I was asking you a little while ago. Is it fair to say with the advantage of hindsight that Mr. Moore drew you in --

MR. PATTON: I object to the question already,

Judge.

THE COURT: Yes.

Q Is it fair to say that Mr. Moore took you into a relationship with him on two only legitimate enterprises at the very same time that he was operating a wholly illegitimate enterprise?

MR. PATTON: I object to the form of the question.

THE COURT: Yes. I think it's a double question, number one, and number two, draws conclusions. You're asking him to answer them.

MR. BREWSTER: I will rephrase it, Judge.

THE COURT: Yes. It's a bad question.

Q Is it fair to say with the advantage of hindsight that Mr. Moore took you in?

A What was hindsight?

Q From where you sit today being able to look back on this whole situation as it happened, is it fair to say that Mr. Moore took you into a relationship with him on two wholly legitimate enterprises at the very same time that forged and stolen checks were going through these accounts? Is that fair to say, Mr. Laing?

A I joined with him?

Q On legitimate business ventures, legitimate community ventures such as the church, at the very same time that forged and stolen checks were pouring through his bank accounts?

A Coincidental.

Q It's a coincidence, you say?

A Yes.

Q But that is with the advantage of being, shall we say, a Monday morning quarterback, that is what happened; is that correct?

A What would appear so.

Q He took you, a completely innocent man, and drew you into the inner circle of certain ventures that he was involved in?

MR. PATTON: I object to the form of the question.

THE COURT: Yes. The form is bad.

Q He took a wholly innocent man and drew you into his church and his health food stores as a partner; is that correct?

MR. PATTON: Same question. He hasn't --

MR. BREWSTER: What's the objection?

THE COURT: It didn't change.

MR. PATTON: The first half of the question.

THE COURT: Yes. I think it is an objectionable

question.

Q Well, were you an innocent man at the time this was going on, Mr. Laing?

A Yes, I am.

Q Wasn't it a little like Willie Sutton asking J. Edgar Hoover for a lift to the nearest bank?

THE COURT: That is a bad question. Maybe not everybody here knows who all of these people are that you are talking about. I am almost certain that some of them in the room don't know.

Q Mr. Laing, you could have blown the whistle on this whole thing, couldn't you?

MR. KRINSKY: Objection. It assumes that he knew it was going on.

THE COURT: Yes.

MR. BREWSTER: Judge, I am not saying that.

THE COURT: I know.

MR. PATTON: No speeches if he is going to object. We have a ruling. We go to the side bar.

THE COURT: You are presuming the very fact that the jury must find beyond a reasonable doubt that he had knowledge that there was something irregular and improper and illegal taking place. So that is what is wrong with the question. It is

for the jury.

Q Mr. Laing, you are telling the jury that you didn't know what is going on, right?

A That's correct.

Q What I am asking you is this: in the position that you held as his partner in the health food store, as an incorporator and member of his church, you could have found out.

MR. PATTON: Objection.

MR. KRINSKY: Objection.

Q Couldn't you?

MR. PATTON: Same objection.

THE COURT: Yes. Sustained. That's likewise an objectionable question.

MR. BREWSTER: Could we go to the side bar?

MR. PATTON: I think we should.

THE COURT: Sure. Those questions are strictly technical under the circumstances.

(The following took place at side bar.)

MR. BREWSTER: I am asking the man if he was in a position to find out. Not if he did anything about it. But if he was in a position to find out.

MR. KRINSKY: It is for the jury to decide.

MR. BREWSTER: It is for the jury to decide

whether he did find out. Not whether he was in a position to find out. I asked him that.

THE COURT: One of the fundamental principles of law is that the person need not do anything. Even if he knows something is going on, he can walk right by. He has no duty or obligation of calling up anybody and saying, I know he is committing a crime. Now, that's what you are asking.

MR. BREWSTER: No.

MR. PATTON: Your Honor, I am --

THE COURT: I know what you are getting at. I don't say you won't get it eventually. But under these circumstances you can't do it. There is no duty imposed on a citizen to do that, whether it's the manager of a bank or anything else. It's like asking a question to the witness on the witness stand, why didn't you go to the police and tell them.

MR. BREWSTER: Judge, I --

THE COURT: That's totally objectionable.

MR. BREWSTER: What I am trying to bring out, if Mr. Moore was involved in a criminal venture at this time, was it reasonable for him to bring in a wholly innocent man?

THE COURT: What you want to say is, having

been apprised of it, did you do anything about it. You can ask him that question. His answer will be yes or no. He doesn't have to do anything about it. You can ask that question. That's as far as you can go.

MR. PATTON: I would like to ask, because of the line of questioning made by the U.S. Attorney here, it assumes the fact that the jury has to find -- he's assuming throughout this as if Moore had --

THE COURT: Yes, knowledge is an essential part.

MR. PATTON: Your Honor, Moore is still an innocent man. And all the questions being phrased, especially the lesson about Willie Sutton and J. Edgar Hoover --

THE COURT: They don't know who they are. You do because you were a district attorney.

MR. PATTON: I don't care. I think that is extremely objectionable, and I am asking the Court to declare a mistrial because the whole line of questioning in the last ten minutes has been assuming the fact -- I mean this jury has to find these things itself. My client is still an innocent man. And to make that kind of a comment in front of this jury,

I think is grounds for a mistrial and I ask for it.

THE COURT: I think you are entitled at this point for the Court to charge the jury that both men are presumed innocent and that no question asked takes away that presumption of innocence. No question.

MR. BREWSTER: The purpose of the questioning is to probe the credibility of the defendant.

THE COURT: But you can't assume that the guilt of an individual --

MR. BREWSTER: All right.

MR. PATTON: And I ask the Court rule on my application.

MR. BREWSTER: I am sorry.

THE COURT: I will deny it.

MR. PATTON: All right.

(End of side bar.)

THE COURT: What has come out of that side bar, so to speak, is that the Court feels at this time that it must give you a short preliminary charge once again as I did when I selected you as jurors. If you recall when I selected you as jurors, I told you that one of the things or one of the essential principles must be that you would accept that as the defendants sit at that defense counsel

table, and even during the entire time that the Court charges you, and even right up to the point of deliberations, and until such time as you arrive at a verdict and announce it to the Court, the defendants are presumed innocent under the law. And that presumption must run completely through the entire trial and it must stay with the defendants.

So my ruling is at this time that I want you to continue that presumption at all times, and any questions that may -- and I say they are not being done deliberately. I can assure you of that. But if they in some way indicate to you that the presumption of innocence has now become a matter of guilt, you must disregard any question that might give you that attitude or that inference.

Okay.

(continued next page)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Respondent,

—against—

WILLIAM LAING,

Defendant-Appellant.

AFFIRMATION OF SERVICE

Docket No. 77-1233

The undersigned attorney, duly admitted to practice in the courts of the State of New York, affirms the following to be true pursuant to CPLR 2106, under the penalties of perjury:

1. That he is a member of the Bar of this Court and attorney of record for defendant-appelant.

2. That on the 26 day of September, 1977, your affirmant served the within appendix for William Laing,

upon U.S. Attorney for the Eastern District of New York, and John Patten.

attorney(s) for Respondent, and Edward Moore, respectively.

at 225 Cadman Plaza East, Brooklyn, New York 11201
and, 80 Broad Street, New York, New York

the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same to each attorney enclosed in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: September 26, 1977
New York, New York.

MARTIN E. FIEL